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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
SOUTHWEST ENVIRONMENTAL UTILITIES,
L.L.C. FOR APPROVAL TO EXTEND ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER AND
WASTEWATER SERVICES IN PINAL COUNTY,
ARIZONA.

DOCKET NO. WS-20878A-13-0065

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On March 21, 2013, Southwest Environmental Utilities, L.L.C. ("Southwest" or "Company") filed with the Arizona Corporation Commission ("Commission") an application requesting approval to extend its Certificate of Convenience and Necessity ("CC&N") to provide water and wastewater services to several developments known as Florence Majestic Ranch, Johnson Ranch Estates, Florence Crossing, Sunaire Ranch, and Majestic Ranch, all located in the Town of Florence, Pinal County, Arizona. Southwest's application states the proposed extension area will encompass approximately 1,912 acres.

On April 22, 2013, the Commission's Utility Division ("Staff") filed a Letter of Insufficiency requesting that the Company file additional information regarding its application.

On August 22, 2013, Southwest filed a Response to Staff's Data Request.

On August 28, 2013, Southwest filed an amendment to its application, requesting to include development areas known as Redstone Ranch and Florence 157.

On September 11, 2013, Southwest filed corrected attachments to its amended application.

On September 19, 2013, Southwest filed supplements to its application, including, among other things, requests for service for the Redstone Ranch and Florence 157 developments.

On September 23 and 26, 2013, Southwest filed additional responses to Staff's Data Requests.

On September 27, 2013, Staff filed its second Letter of Insufficiency requesting additional information regarding Southwest's application.

1 On December 6, 2013, March 4, 2014, and September 17, 2014, Southwest filed additional
2 responses to Staff's Data Requests.

3 On November 10, 2014, Staff filed its third Letter of Insufficiency requesting that Southwest
4 file additional information regarding its application.

5 On November 21, 2014, Southwest filed responses to Staff's Data Request.

6 On December 4, 2014, Southwest filed a second amendment to its application deleting the
7 Florence 157 development area.

8 On December 26 and 29, 2014, Southwest filed additional information related to its amended
9 application.

10 On January 14, 2015, Staff filed a Letter of Sufficiency stating that the Company's
11 application had met the sufficiency requirements of the Arizona Administrative Code ("A.A.C.").

12 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
13 the preparation and conduct of this proceeding.

14 IT IS THEREFORE ORDERED that a **hearing** in the above-captioned matter shall be held on
15 **March 30, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices,
16 1200 West Washington Street, Hearing Room No. 1 Phoenix, Arizona 85007.

17 IT IS FURTHER ORDERED that Southwest shall provide public notice of the hearing in
18 this matter, in the following form and style, with the heading no less than 10 point bold type
19 and the body no less than 8 point regular type:

20
21 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
22 **SOUTHWEST ENVIRONMENTAL UTILITIES, L.L.C. FOR APPROVAL TO EXTEND ITS**
23 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER AND**
24 **WASTEWATER SERVICES IN PINAL COUNTY.**
25 **(Docket No. WS-20878A-13-0065)**

26 On March 21, 2013, Southwest Environmental Utilities, L.L.C. ("Southwest" or
27 "Company") filed with the Arizona Corporation Commission ("Commission") an
28 application requesting approval to extend its Certificate of Convenience and Necessity
("CC&N") to provide water and wastewater services to several developments known
as Florence Majestic Ranch, Johnson Ranch Estates, Florence Crossing, Sunaire
Ranch, and Majestic Ranch, all located in the Town of Florence, Pinal County,
Arizona. Southwest's application states the proposed extension area will encompass
approximately 1,912 acres. On August 28, 2013, Southwest filed an amendment to its

1 application, requesting to include an additional area known as Redstone Ranch. The
 2 Commission's Utilities Division ("Staff") has not yet made a recommendation
 3 regarding Southwest's amended application, and the Commission is not bound by the
 4 proposals made by Southwest, Staff, or any intervenors. The Commission will issue a
 5 Decision regarding Southwest's application following consideration of testimony and
 6 evidence presented at an evidentiary hearing. Copies of the amended application and
 other filings are available at Southwest's offices [insert address] and the
 Commission's offices at 1200 West Washington, Phoenix, Arizona, for public
 inspection during regular business hours and on the internet via the Commission
 website (www.azcc.gov) using the e-docket function.

7 The Commission will hold a hearing on this matter on **March 30, 2015, at 10:00 a.m.**,
 8 at the Commission's offices, 1200 West Washington, Hearing Room No. 1, Phoenix,
 9 Arizona. Public comments will be taken **on the first day** of the hearing. You may
 also file your written comments electronically by going to the Commission's
 homepage at www.azcc.gov and clicking on the "Submit a Public Comment" button or
 10 by mailing a letter referencing Docket Number WS-20878A-13-0065 to: Arizona
 Corporation Commission, Consumer Services Section, 1200 West Washington,
 11 Phoenix, AZ 85007.

12 The law provides for an open public hearing at which, under appropriate
 13 circumstances, interested parties may intervene. Any person or entity entitled by law
 to intervene and having a direct and substantial interest in the matter will be permitted
 14 to intervene. If you would like to intervene, you must file a written motion to
 intervene with the Commission, and you must send copies of the motion to the
 Company or its counsel, and to all parties of record in the case. Your motion to
 intervene must contain the following:

- 15 1. Your name, address, and telephone number, and the name, address, and
 16 telephone number of any party upon whom documents are to be served in
 your place, if desired;
- 17 2. A short statement of your interest in the proceeding (e.g., a customer of
 18 the Company, a shareholder of the Company, etc.);
- 19 3. A statement certifying that a copy of your motion to intervene has been
 mailed to the Company or its counsel and to all parties of record in the
 case; and
- 20 4. If the proposed intervenor is not represented by an attorney who is an
 21 active member of the Arizona State Bar, and is not an individual
 representing himself or herself, information and any appropriate
 22 documentation demonstrating the intervenor's compliance with Arizona
 Supreme Court Rules 31, 38, and 42, as applicable.

23 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
 24 that all motions to intervene must be filed on or before **March 6, 2015**. If
 25 representation by counsel is required by Arizona Supreme Court Rule 31, intervention
 will be conditioned upon the intervenors obtaining counsel to represent the intervenor.
 26 For information about requesting intervention, visit the Commission's website at
<http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of
 27 intervention, among other things, entitles a party to present sworn evidence at the
 hearing and to cross-examine witnesses. However, the failure to intervene will not
 28 preclude any interested person or entity from appearing at the hearing and providing

1 public comment on the application or from filing written comments in the record of
2 the case.

3 The Commission does not discriminate on the basis of disability in admission to its
4 public meetings. Persons with a disability may request a reasonable accommodation
5 such as a sign language interpreter, as well as request this document in an alternative
6 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail
7 SAbernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as
8 early as possible to allow time to arrange the accommodation.

9 IT IS FURTHER ORDERED that Southwest shall mail via First Class U.S. Mail a copy of
10 the above notice to each property owner in the proposed extension area and shall cause the above
11 notice to be published in a newspaper of general circulation in the proposed extension areas, with
12 publication and mailing to be completed no later than February 13, 2015.

13 IT IS FURTHER ORDERED that Southwest shall file certification of mailing and
14 publication as soon as practicable after the mailing/publication has been completed, but not later
15 than March 6, 2015.

16 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
17 publication of same, notwithstanding the failure of any individual to read or receive the notice.

18 IT IS FURTHER ORDERED that Staff shall file a Staff Report on or before February 20,
19 2015.

20 IT IS FURTHER ORDERED that any objections to the Staff Report shall be filed on or
21 before March 6, 2015.

22 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-
23 105, except that all Motions to Intervene must be filed on or before March 6, 2015.

24 IT IS FURTHER ORDERED that any motion to intervene shall conform to the
25 requirements of A.A.C. R14-3-105 and this Procedural Order and demonstrate compliance
26 with Arizona Supreme Court Rules 31, 38, and 42, as set forth herein.

27 IT IS FURTHER ORDERED that objections to any Motions to Intervene must be filed no
28 later than March 20, 2015.

1 IT IS FURTHER ORDERED that any motion, other than a Motion to Intervene, that is filed
2 in this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall
3 be deemed denied.

4 IT IS FURTHER ORDERED that any response to a motion other than a motion to intervene
5 shall be filed within five calendar days of the filing date of the motion.

6 IT IS FURTHER ORDERED that any reply shall be filed within five calendar days of the
7 filing date of the response.

8 IT IS FURTHER ORDERED that each party to this matter may opt to receive service of all
9 Procedural and Recommended Orders issued by the Commission's Hearing Division in this matter
10 via e-mail rather than U.S. Mail, as permitted under A.A.C. R14-3-107(B). To exercise this option, a
11 party shall send to hearingsdivision@azcc.gov, from the e-mail address at which the party desires to
12 receive service, an e-mail request including the name of the party on whom service is to be made and
13 the docket number for this matter. After a party receives an e-mail confirmation of its request from
14 hearingsdivision@azcc.gov, the party will receive all future Procedural and Recommended Orders
15 issued by the Hearing Division in this matter via e-mails to the address provided by the party, unless
16 and until the party withdraws its request. Service of a document via e-mail shall be considered
17 complete upon the sending of an e-mail containing the document to the e-mail address provided by a
18 party, regardless of whether the party receives or reads the e-mail containing the document.

19 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
20 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

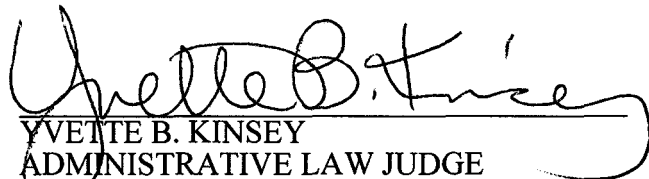
21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
23 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
24 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
25 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
26 Law Judge or the Commission.

27 ...
28

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
2 Communications) applies to this proceeding, as this matter is now set for public hearing, and shall
3 remain in effect until the Commission's Decision in this matter is final and non-appealable.

4 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
5 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
6 hearing.

7 Dated this 16th day of January, 2015.

8
9
10 
11 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE


12 Copies of the foregoing mailed/delivered
13 this 16 day of January, 2015 to:

14 George Johnson, Manager
15 SOUTHWEST ENVIRONMENTAL
16 UTILITIES, L.L.C.
5230 E. Shea Blvd., Suite 200
17 Scottsdale, AZ 85254

18 Janice Alward, Chief Counsel
Legal Division
19 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
20 Phoenix, AZ 85007

21 Steven M. Olea, Director
Utilities Division
22 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
23 Phoenix, AZ 85007

24 COASH & COASH, INC.
Court Reporting, Video and
25 Videoconferencing
1802 North 7th Street
26 Phoenix, AZ 85006

27 By: 
28 Tammy Velarde
Assistant to Yvette B. Kinsey